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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,471	11/29/2004	Rabih Moughelbay	CU-5962	5737
26530	7590	12/13/2007		
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			EXAMINER MENEZES, MARCUS	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,471	Applicant(s) MOUGHEL BAY ET AL.	
	Examiner Marcus Menezes	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-73, 80-82 and 85-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-73, 80-82 and 85-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/15/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Examiner apologizes for allowing certain dependent claims in the previous office action. However, Applicant should note that this action is non-final.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim limitation of claims 70,82 and 87 that "each tying device is provided in a differentiated form from each other tying device" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 80 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, it is unclear which "elongate member" is being referenced on the fifth line of the claim. Isn't the enlarged portion already connected to the elongate member? Clarification required.

Claim 80 recites the limitation "the elongate portion" in the second to last line of the claim. There is insufficient antecedent basis for this limitation in the claim. Examiner has interpreted "the elongate portion" to mean the enlarged portion.

Claim 85 recites the limitation "the elongate portion" in the second to last line of the claim. There is insufficient antecedent basis for this limitation in the claim. Examiner has interpreted "the elongate portion" to mean the enlarged portion.

Claim Rejections - 35 USC § 102

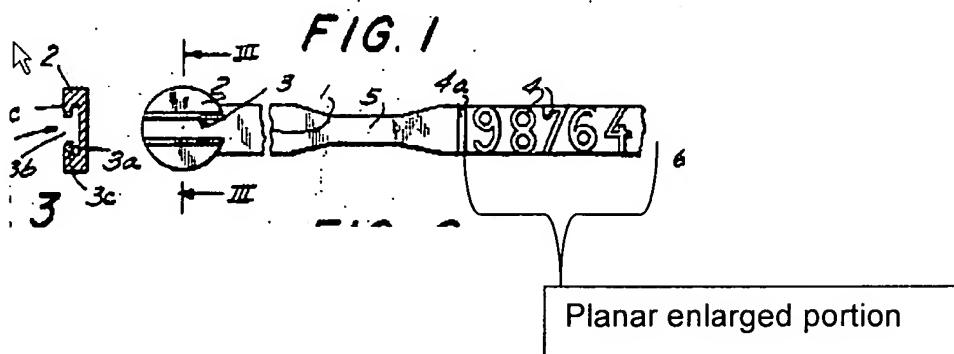
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 70-72 and 80-82 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schumm (US 3,147,522).

Regarding claim 70, Schumm discloses a system comprising a respective tying device, wherein each tying device comprises an elongate member (1) for releasable securement at a cable by wrapping around the cable; a planar enlarged portion arranged on the member for insertion through a hole (3a) in the member, the enlarged portion including a raised portion (4) thereon to provide that part of the enlarged portion with a thickness greater than a remainder (5) of the enlarged portion; wherein the device being configured such that the enlarged portion can be passed from one side of the member, completely through the hole, to an opposite side of the member to be secured at the opposite side; and wherein the elongate member has the same thickness as the remainder of the planar enlarged portion. (See figures 1 and 2 and below).



Regarding claim 71, Schumm discloses indicia is pre-applied on an external surface of the raised portion, wherein said indicia is the shape of said external surface.

Regarding claim 80, Schumm discloses a card (fig. 16) comprising a plurality of detachable elongate members, each of the members being frangibly joined to the card for detachment therefrom, an enlarged portion being defined in at least one of the members for insertion in use through a hole (3a) located in the member, the enlarged portion being connected to at least one elongate member (7) and being inserted through a hole located in the member; wherein the enlarged portion has a transverse width greater than a corresponding transverse width of the hole. (See figure 5 below).



Regarding claim 82, Schumm discloses differentiated forms of each tying device.
(See figures 1-16).

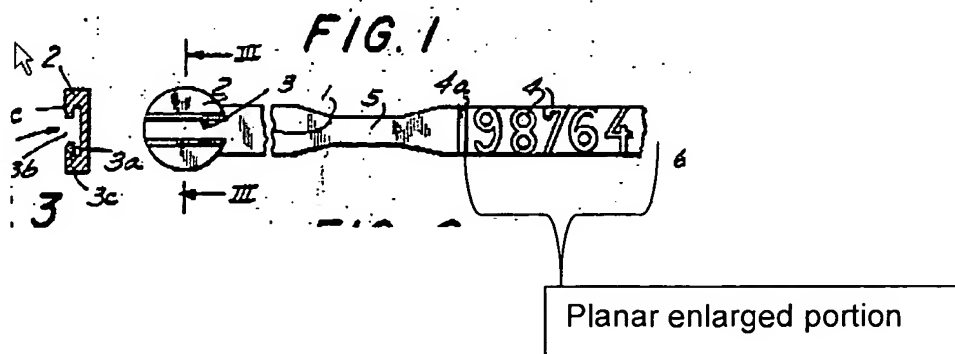
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schumm.

Regarding claim 85, Schumm discloses a card (fig. 16) comprising a plurality of detachable elongate members, each of the members being frangibly joined to the card for detachment therefrom, an enlarged portion being defined in at least one of the members for insertion in use through a hole (3a) located in the member, the enlarged portion being a planar enlarged portion arranged on the member for insertion through a hole located in the member, and the enlarged portion including a raised portion (4) thereon to provide that part of the enlarged portion with a thickness greater than a remainder of the enlarged portion. (see figure below)



However, Schumm states that the enlarged portion has a transverse width substantially the same as a corresponding transverse width of the hole. It should be noted that substantially is a broad term and that the friction between the side walls of the hole and the enlarged portion is necessary in order for the device to function properly; thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included in Schumm an enlarged portion having a transverse width that is greater than the corresponding transverse width of the hole in order to impart friction between the hole side walls and the enlarged portion.

Regarding claim 86, Schumm discloses the card constitutes all the members joined and formed together as shown in Figure 16. And note that col.3 describes the material of each member.

Regarding claim 87, Schumm discloses differentiated forms of each tying device. (See figures 1-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes
Examiner
Art Unit 3677

/MM/


ROBERT J. SANDY
PRIMARY EXAMINER